

**CITY OF WOBURN  
SEPTEMBER 25, 2007 - 7:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Galvin
Denaro	Gately
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$150,000.00 be and is hereby transferred as so stated from  
BLS Receipts Acct #31359-595000 \$150,000.00 to Fire Ambulance  
Salary Acct #0122051-511500 \$125,000.00 to Ambulance Maintenance  
Acct #122054-544300 \$25,000.00.

I hereby recommend the above: s/Paul Tortolano, Chief, Fire Department  
I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

s/Alderman \_\_\_\_\_

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ORDERED That the sum of \$380,000.00 be and is hereby transferred as so stated from  
Demolition of Reeves School Acct #0112158-586572 \$380,000.00 to  
Reeves School Landscaping Acct #0112158-586597 \$380,000.00.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman \_\_\_\_\_

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**PUBLIC HEARINGS:**

On the petition by Koffler/GID Woburn LLC, One Providence Washington Plaza, Ninth Floor, Providence, Rhode Island 02903 for a special permit to modify a special permit

dated October 9, 2003 pursuant to Section 5.1.23 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a further amended site plan and an additional 2,500 square feet of gross floor area at 300 Mishawum Road. PUBLIC HEARING OPENED. A communication dated September 19, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Koffler GID/Woburn LLC – 300 Mishawum Road, Woburn Massachusetts – Special Permit to amend decision pursuant to Section 5.1.23 of the Woburn Zoning Ordinance to allow for a further amended site plan and additional 2,500 square feet of gross floor area

Dear Bill:

Due to the fact that my client will not be able to provide the additional information requested by the Planning Board by September 25, 2007 and due to the schedules of the Planning Board and City Council for the October 2, 2007 meeting, my client will not be in a position to meet with the Planning Board until October 23, 2007. As a result, I hereby request that the City Council public hearing on the above-referenced petition by continued to the City Council meeting scheduled for November 20, 2007. If you have any questions, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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On the petition by Koffler/GID Woburn LLC, One Providence Washington Plaza, Ninth Floor, Providence, Rhode Island 02903 for a special permit to modify a special permit dated October 9, 2003 further amended by special permit dated August 21, 2006 said modification being pursuant to Section 8.2.5 of the 1985 Woburn Zoning Ordinances, as amended to allow for 1,283 parking spaces at 300 Mishawum Road. PUBLIC HEARING OPENED. A communication dated September 19, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Koffler GID/Woburn LLC – 300 Mishawum Road, Woburn, Massachusetts – Special Permit to amend existing Special Permit by allowing 1,283 parking spaces pursuant to Section 8.2.5

Dear Bill:

Due to the fact that my client will not be able to provide the additional information requested by the Planning Board by September 25, 2007 and due to the schedules of the Planning Board and City Council for the October 2, 2007 meeting, my client will not be in a position to meet with the Planning Board until October 23, 2007. As a result, I hereby request that the City Council public hearing on the above-referenced petition by continued to the City Council meeting scheduled for November 20, 2007. If you have any questions, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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On the petition by Chair 5 Restaurants-Woburn LLC dba Qdoba Mexican Grill, 572 Washington Street, Suite 17A, Wellesley, Massachusetts 02482 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and building signage at 300 Mishawum Road PUBLIC HEARING OPENED. A communication dated September 19, 2007 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Chair 5 Restaurants – Woburn LLC d/b/a Qdoba Mexican Grill, 300 Mishawum Road, Woburn, Massachusetts/Special Permit to allow for a fast food restaurant and building signage pursuant to Section 5.1.29 and 7.3

Dear Bill:

Due to the fact that my client will not be able to provide the additional information requested by the Planning Board by September 25, 2007 and due to the schedules of the Planning Board and City Council for the October 2, 2007 meeting, my client will not be in a position to meet with the Planning Board until October 23, 2007. As a result, I hereby request that the City Council public hearing on the above-referenced petition be continued to the City Council meeting scheduled for November 20, 2007. If you have any questions, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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On the petition by Alderman Dwyer and Alderman Galvin concerning the building or buildings located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 10 Lowell Street, Woburn, Massachusetts for the purposes of determining whether said building or buildings are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED.

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On the petition by Susan C. Levine, P.O. Box 360, North Salem, New Hampshire 03073 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.52 and Section 7.3 to construct a 3,400 square foot addition to an existing industrial use building at 11 Wheeling Avenue. PUBLIC HEARING OPENED. A copy of a communication dated September 10, 2007 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director, Woburn Planning Board was received as follows:

Subject: 11 Wheeling Avenue Proposed 3,400 sf Addition, Special Permit – Special Permit Application Dated July 16, 2007 – Revised Site Plans Dated September 5, 2007 – Revised Plans Dated August 6, 2007 – Development Impact Statement Dated August 6, 2007 – Previous Memo Dated August 6, 2007

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The revised plans show an area between the two catch basins that had an issue with a blockage. The applicants engineer delineated this area to be excavated and repair with new pipe.

All other concerns from previous memo dated August 6, 2007 have been addressed.

If you or the board have any questions concerning this information, do not hesitate to contact this office.

A communication dated September 13, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Susan C. Levine – 11 Wheeling Ave. – To construct 3,400 S.F. addition to existing industrial building Section 5.1.42 & 7.3 of the Woburn Zoning Ordinance

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2007, the Board voted to send a favorable recommendation to the City Council on the Special Permit application for Susan C. Levine, 11 Wheeling Ave. subject to the following conditions:

1. That the approval shall be in accordance with the plans entitled “Site Plan for Proposed Addition 11 Wheeling Avenue Woburn, MA 01801” prepared by Allen & Major Associates, Inc. Sheets C1, 1, and C7 dated 7/13/07 and Sheets C2-C6 dated 7/13/07 Revised 9/5/07.
2. That the existing blockage shown on Plan C shall be excavated and repaired with a new pipe to the satisfaction of the City Engineer.
3. That there shall be no outside storage on the site.
4. That the landscaping shall be in accordance with Plan C4 and that the Planning Board shall retain jurisdiction over the landscaping.
5. That the parking shall be in accordance with the Plan C2.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated September 20, 2007 with attachment was received from Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Special Permit – Susan Levine – 11 Wheeling Ave.

Dear Members of the Council:

In preparation for the public hearing on this matter, I am submitting herewith ten (10) sets of final plans, which are essentially the same as what you have, but which incorporate slight changes in the parking configuration, and related engineering changes as to drainage, etc. These are revisions which have been reviewed and approved by the Engineering Department and the Planning Board, and which are referenced in the Planning Board approval letter.

Thank you for your attention to this matter.

Sincerely, s/John D. McElhiney

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On the petition by Sam Gandor, 290 Turnpike Road, Suite 354, Westborough, Massachusetts 01581 for a special permit pursuant to Section 7.1.3 of the 1985 Woburn Zoning Ordinances, as amended, for reconstruction or structural change to a pre-existing and non-conforming four family frame residential dwelling to allow the construction of a deck or porch structure at the rear elevation of principal dwelling at 11-13 Porter Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "That the matter remain in committee."

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On the petition by Harout Avakian to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: that Section 7.1 of the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding a new paragraph to the end of this Section as follows: "A residential structure used as a residence and conforming to the zoning district in which it lies, that is protected by the ten (10) year statute of limitations under Massachusetts General Laws Chapter 40A, Section 7 shall be considered for the purposes of this Section 7.1 a legal non-conforming structure." PUBLIC HEARING OPENED. A communication dated August 29, 2007 was received from Edward S. Robertson, Chair of Woburn Board of Appeals as follows:

Re: Your Letter of August 23, 2007

Dear Clerk Campbell:

My understanding is that G.L. c. 40A Sec. 7, is, essentially, a "statute of limitations", i.e. it establishes temporal parameters within which a municipality (or other interested person or entity) must undertake enforcement action with respect to allegedly nonconforming

structures and/or uses, which structures or uses were originally commenced either with or without, or in violation of, a permit, special permit or variance. I see no language in Sec. 7, which provides that, after the applicable limitations period expires (six years in the case of structures or uses commenced in accordance with a permit, etc; ten years in the case of a structure commenced without a permit, etc), the structure or use, by virtue of the expiration of time, becomes legal and lawful. Further, I am aware of no court decision establishing this principle. And at least one commentator on Mass. Zoning law has written:

...Second, the statute provides no guidance as to the status of a use or structure that does manage to survive the applicable statute of limitations... There are no reported decisions directly on point. Bobrowski, Handbook of Massachusetts Land Use and Planning Law, pps. 223-224.

To the extent that the communication of the Planning Board to which reference is made in your letter to me of 8/23/2007, suggest other than the foregoing, I disagree with it. Obviously, however, I would defer to an opinion of legal counsel. Finally, the City Council should note the language in the third paragraph of Section 7.3 of the zoning ordinance which mandates that the "...preexisting nonconforming structure or use was validly and legally established." The foregoing represents my opinion only but your letter has been shared with the other members of the Board of Appeals and, I trust, that they will communicate their own opinion(s) regarding this issue.

Very truly yours, s/Edward S. Robertson

A communication dated September 20, 2007 was received from Margaret M. Pinkham, Member of the Woburn Board of Appeals, as follows:

Subject: Requirement of Lawful Existence of non-conforming structure

As we discussed last night, the Massachusetts Zoning Manual, Vol 1 (Healy, et al.), in Section 6.4:

"... a use of structure must be lawfully established before the applicability of a zoning change. A use or structure that conformed to the zoning laws at the time the use first commenced or the structure was first constructed will remain lawful if left unchanged... Conversely, a use or structure that violated the zoning laws at the time of its establishment and was not rendered lawful by intervening zoning changes will not receive any of the protections afforded by [Chapter 40A] Section 6 and will continue to be an illegal, noncomplying use or structure. See e.g, Hall v. ZBA of Edgartwon, 28 Mass. App. Ct. 249, 258-59 (1990). In Bruno v. Bd of Appeals of Wrentham, 62 mass. App. Ct. 527 (2004), the Appeals Court considered and flatly rejected the

proposition that structures and uses authorized by a building permit automatically acquire a status of prior lawful nonconforming use under Mass. Gen. L. c. 40A, section 6 when the six year statute of limitations on zoning enforcement actions has run under c. 40A, section 7.”

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On the petition by SAR Woburn Food Inc. dba Sarku, 300 Mishawum Road, Space #210, Woburn, Massachusetts 01801 for a special permit to allow a fast food use at 300 Mishawum Road, #210. PUBLIC HEARING OPENED. A communication dated September 13, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: SAR Woburn Food Inc. dba Sarku – 300 Mishawum Road #210 – To occupy as a Fast Food Restaurant under Section 5.1.29 of the Woburn Zoning Ordinance

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 11, 2007, the Board voted to send a favorable recommendation to the City Council on the Special Permit application of SAR Woburn Food Inc. dba Sarku, 300 Mishawum Road #210. The Planning Board took into consideration that the fast food restaurant, Sarku, is replacing an existing retail space within the Woburn Mall.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated August 23, 2007 with attachment was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of SAR Woburn Food Inc. d/b/a Sarku – 300 Mishawum Road, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find twenty one (21) copies of the Abbreviated Development Impact Statement relative to the above-referenced matter. If you have any questions, please feel free to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

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On the petition by Pacer Electronics, Inc. to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: That a new Accessory Use be added to Section 5.1 as follows: "Section 5.1.67 Accessory Kennel used in conjunction with a retail establishment greater than 15,000 square feet". In addition, an "x" shall be inserted in the BI column and a "-" in all other columns. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "ought to pass as follows 'That a new Accessory Use be added to Section 5.1 as follows: Section 5.1.67 Pet Care Facility used as an accessory use to a retail pet store containing a minimum of 15,000 square feet of gross floor area providing day and overnight care for cats and dogs in a sound attenuated indoor facility containing non-operable windows located entirely within said retail pet store. A Pet Care Facility shall not be located within five hundred fifty (550) feet of a residential district nor shall any outside activities be allowed except bringing said animals to and from said Pet Care Facility. In addition, a "P" shall be inserted in the BI column and a "—" in all other columns."

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On the petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for special permits pursuant to Section 5.1.22, 5.1.23 and 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for: 1. a retail shopping center in excess of 15,000 square feet (47,010 square feet); and 2. a fast food restaurant at 112 Commerce Way. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "Back for action." A communication dated September 20, 2007 was received from Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 was received as follows:

Re: Special Permit Petition of 112 Commerce Way LLC, 112 Commerce Way, Woburn, Massachusetts

Dear Bill:

Enclosed please find eleven (11) copies of a revised site plan relative to the above-referenced petition. I have delivered copies to the Planning Board and City Engineer. The revisions to the plans do not impact the site design or zoning requirements. The revisions were made pursuant to requirements of the Environmental Protection Agency.

It was requested by the EPA that the proposed development at 112 Commerce Way limit the impacts to the current Hide Pile located on property now or formally owned by Resources for Responsible Site Management. Currently the Hide Pile encroaches into the 112 Commerce Way parcel. The encroachment area does not contain any hazardous material but does include a drainage swale and security fencing. The EPA requested that only minor earthwork take place within this area and any impacts to the encroachment area shall included the replacement of the fencing and drainage swale.

If you have any questions, please contact me. Thank you.



Very truly yours, s/Joseph R. Tarby III

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**CITIZEN'S PARTICIPATION:**

Petition by David Peary, Woburn Employees Coalition Bargaining Committee Chairman, Local 971 President, for citizen's participation time before the City Council or the Committee on Liaison to present to the City Council information on Massachusetts General Laws, Chapter 32B, Section 19, health carriers; contracts; public employee committees; agreements with public authorities.

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**COMMITTEE REPORTS:**

**ORDINANCE:**

On the Order to amend Title 12, Article IV, Section 12-19(A) of the 1989 Woburn Municipal Code, as amended, relative to permits for placing of poles, committee report was received "ought to pass."

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**PERSONNEL:**

On the Order to accept the provisions of Massachusetts General Laws Chapter 31, Section 60A relative to intermittent or reserve police or fire force members; effect of refusals to accept employment on permanent basis in regular police or fire force, committee report was received "ought to pass."

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**FINANCE:**

On the Order to appropriate the sum of \$300,000.00 from Overlay Reserve Account to Library Expansion & Renovation Project.

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**NEW PETITIONS:**

Petition by Bonanno Construction Inc., 12 Longmeadow Road, Arlington, Massachusetts 02474 for a special permit to amend an existing special permit to reflect site changes at 239 Salem Street.

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Petition by Woburn Armory LLC, c/o John D'Ovidio, 175 Summer Street, Somerville, Massachusetts 02143 for an Inflammable License to store 615 gallons of gasoline underground in 41 cars with fifteen (15) gallons of gasoline each in parking level of residential condominium building at 286 Main Street a/k/a 320 Main Street.

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Petition by Anchor Body Corp., 3 Breed Avenue, Woburn, Massachusetts 01801 for two special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.45 to allow for the sale of five (5) used motor vehicles, and 2. Pursuant to Section 8.3.2 to allow for off-site parking of twenty (20) vehicles, and a petition for Second Class Motor Vehicles Sales License, both at 3 Breed Avenue/Florence Avenue.

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Petition by Patricia K. Figueiredo, 12 Grant Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to allow muscular therapy at 576 Main Street.

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Petition by A.L. Prime Energy, 319B Salem Street, Wakefield, Massachusetts 01880 for a special permit pursuant to Sections 5.1.46a, 5.1.46b and 5.1.22a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a self service gasoline station and convenience store with hours in excess of 7:00 a.m. to 10:00 p.m. at 1 Hill Street.

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Petition by 112 Commerce Way LLC, c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 for a special permit pursuant to Section 5.1.35a of the 1985 Woburn Zoning Ordinances, as amended, to allow for a Pet Care Facility at 112 Commerce Way.

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Petition by Vee Vee Enterprises Inc., 8 Madison Avenue, Groveland, Massachusetts 01834 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow for the parking of petitioner's commercial vehicles at 5 Crescent Avenue.

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## **COMMUNICATIONS AND REPORTS:**

A communication dated September 14, 2007 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending August 2007: number of tickets issued 1,123, number of tickets paid 1,069, number of hearings scheduled 581, number of tickets voided or dismissed 94, number of tickets outstanding 299, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$43,688.60. There exists a backlog of 4,919 tickets for 1982 through 2006. Demands will be sent out until all tickets

have been cleared. Parking violations turned over to Handicap Commission to date \$6,410.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

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A communication dated September 20, 2007 was received from the Traffic Commission as follows:

Re: Traffic Commission Vacancy

With the recent resignation of Alderman John Ciriello, a vacancy has been created on the Traffic Commission. This vacancy impacts the ability of the commission to conduct business in an efficient manner, particularly with such issues as having a quorum for meetings.

At its meeting on September 20, 2007, the Traffic Commission voted to forward a communication to the City Council requesting that the President of the City Council appoint an Alderman to fill the vacancy on the Traffic Commission consistent with Chapter 103 of the Acts of 2005. Section 1 of the Act provides in pertinent part as follows: "There shall be in the city of Woburn, a traffic commission to consist of 9 commissioners, .... 2 of whom shall be aldermen selected by the city council president..."

The Traffic Commission is next scheduled to meet on October 18, 2007 and urges that an appointment be made by that time.

s/William C. Campbell, City Clerk and Clerk of the Traffic Commission

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A communication dated September 17, 2007 with attachments was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority as follows:

Re: WRA Monthly Meeting Packages for July 17, 2007 and August 29, 2007

Dear Alderman Doherty:

Please find attached the Information Packages for the July and August monthly meetings of the Woburn Redevelopment Authority. Our next meeting is scheduled for September 25, 2007, at 5:00 pm, at the WRA Office. Please let me know if you have any questions or would like any further information.

Sincerely, s/Donald J. Borchelt, Executive Director

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A communication dated September 5, 2007 entitled "Fuel Transactions (short format) from 8/1/2007 to 8/31/2007 Woburn Police" was received.

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A copy of an Agreement for Judgment in the matter of Robert Adams, et. al. v. Charles E. Doherty, et. al., pending in the Middlesex Superior Court at Docket No, 07-1212 was received as follows:

#### AGREEMENT FOR JUDGMENT

Now come the parties to the above-captioned action and hereby agree to entry of Judgment in favor of the Defendants, the members of the Woburn City Council, (the "Council"), as follows:

1. The Order of the City Council, dated march 20, 2007, adjudging the real estate located at 239 Main Street, Woburn ("Property") to be a nuisance and ordering the structures located on the Property to be demolished is hereby AFFIRMED.
2. The plaintiffs hereby waive all rights of appeal.
3. The City is hereby authorized to cause the structures on the Property to be secured and demolished, within the discretion of the City. The plaintiffs hereby release, indemnify and forever discharge the City, its employees, agents, contractors, attorneys and assigns, from and against any and all claims, liabilities and causes of action arising out of or related to such demolition, whether brought by the plaintiffs or by persons or entities not party to this litigation.
4. The plaintiffs shall not interfere with the demolition and hereby grant the City and its employees, agents, contractors, attorneys and assigns permission to enter upon the Property at such times as they deem reasonable and appropriate in connection with the securing and demolition of the structures on the Property.
5. The City shall be entitled to recover all costs associated with the demolition of the structures on the Property as follows:
  - a. All construction or demolition fees, permit fees, publishing fees, police detail fees or other costs of any kind incurred in securing and demolishing said structures;
  - b. Legal fees in the amount of \$2,000.00.
  - c. An administrative fee of 10% of all such costs and fees;
  - d. Interest at a rate of 6% per year, compounded monthly, on the above referenced amounts from the date(s) incurred to the date of full payment.
6. The amounts referenced in ¶4 may be recorded as a lien against the property, pursuant to G.L. c.139, §3A and/or G.L. c. 254, §§4 and 8. The plaintiffs certify that there are no outstanding mortgages or other encumbrances upon the Property.
7. A copy of this Agreement for Judgment may be recorded in the Middlesex County Registry of Deeds.

Plaintiffs,  
Robert Adams, et. al.  
By their attorney,

Defendants,  
Woburn City Council  
By its Attorney

s/Mark J. Salvati  
10 Cedar Street, Suite 26  
Woburn, MA 01801

s/Jonathan M. Silverstein  
Kopelman and Paige, P.C.  
City Solicitor  
101 Arch Street, 12<sup>th</sup> Floor  
Boston, MA 02110-1109

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A communication dated September 14, 2007 was received from His Honor the Governor of the Commonwealth of Massachusetts Deval L. Patrick as follows:

Dear Mr. Campbell:

Thank you for your recent correspondence regarding funding for public library construction. As you may know, we recently announced our five year capital budget plan, a fiscally responsible document aimed at addressing many of the Commonwealth's infrastructure needs, including education facilities, road and bridge repairs, transportation projects, housing and environmental protection.

I appreciate the importance of the services that public libraries across the Commonwealth provide, and our capital budget plan includes \$20 million in funding for public library construction projects in fiscal year 2008. I am grateful to have had your input during this process, and I hope you will keep the ideas coming, they are always welcome in this administration.

Sincerely, s/Devel Patrick

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A copy of a communication dated September 20, 2007 from Archstone-Smith Operating Trust, 9200 East Panorama Circle, Suite 400, Englewood, California 80112 to City of Woburn Board of Appeals was received entitled "Notification of and Request for Consent to Transfer of Interest under that certain Comprehensive Permit issued to Archstone-Smith Operating Trust, and approved by the City of Woburn Zoning Board of Appeals on September 10, 2001, relating to certain property located in Woburn, Massachusetts."

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A communication dated September 12, 2007 was received from Paul L. Paris, 110 Locust Street, Woburn and Margaret Syzmanowicz requesting the opportunity to purchase two parcels of land totaling approximately 4,400 square feet of land located adjacent to Lot 53 on Columbus Road a/k/a 1 Columbus Road.

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A copy of a communication dated September 7, 2007 was received from State Representative James R. Miceli, State House, Room 448, Boston, Massachusetts 02133 to the Surface Transportation Board relative to the New England Transrail, LLC matter.

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A copy of a communication dated August 29, 2007 was received from Frank S. DeMasi, 26 Macarthur Road, Wellesley, Massachusetts 02482 to the Surface Transportation Board relative to the New England Transrail, LLC matter.

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A copy of a communication dated August 29, 2007 was received from Massachusetts Office of the Attorney General, One Ashburton Place, Boston, Massachusetts 02108 to the Surface Transportation Board relative to the New England Transrail, LLC matter.

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A copy of a communication dated September 10, 2007 was received from Massachusetts Office of the Attorney General, One Ashburton Place, Boston, Massachusetts 02108 to the Surface Transportation Board relative to the New England Transrail, LLC matter.

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A copy of a communication dated September 21, 2007 was received from Vernon A. Williams, Secretary, Surface Transportation Board as notice that a court action was instituted on or about September 11, 2007 in the United States Court of Appeals for the First Circuit seeking judicial review of the Board's decision in the New England Transrail matter.

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A communication dated September 25, 2007 was received from Bob Frey, Manager of Statewide Planning, Office of Transportation Planning, Massachusetts Executive Office of Transportation entitled Notice of MEPA Site Visit relative to the I-93/I-95 Interchange Transportation Improvements Project on Tuesday, October 2, 2007 at 4:00 p.m. in Stoneham Town Hall Auditorium, 35 Central Street, Stoneham.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED    That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Municipal Elections to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the SIXTH DAY OF NOVEMBER 2007 from 7:00 a.m. to 8:00 p.m., then and their to cast their votes in the MUNICIPAL ELECTION for the candidates for the following offices:

ENTIRE CITY            MAYOR, ALDERMAN-AT-LARGE,

SCHOOL COMMITTEE

EACH WARD

WARD ALDERMAN

Ward-Precinct

Polling Place Location

1-1	Joyce Middle School Library 55 Locust Street
1-2	Clapp Elementary School Cafeteria Hudson Street and Arlington Road
2-1	Shamrock Elementary School Gymnasium 60 Green Street
2-2	Shamrock Elementary School Gymnasium 60 Green Street
3-1	Hurld Elementary School Gymnasium 75 Bedford Road
3-2	Hurld Elementary School Gymnasium 75 Bedford Road
4-1	Wyman Elementary School Auditorium Main Street and Eaton Avenue
4-2	White Elementary School Gymnasium 36 Bow Street
5-1	Goodyear Elementary School Gymnasium 41 Orange Street
5-2	Goodyear Elementary School Gymnasium 41 Orange Street
6-1	Altavesta Elementary School Gymnasium 990 Main Street
6-2	Altavesta Elementary School Gymnasium 990 Main Street
7-1	Reeves Elementary School Gymnasium 240 Lexington Street
7-2	Reeves Elementary School Gymnasium

240 Lexington Street

s/Alderman \_\_\_\_\_

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Ordered That the Regular Meeting of the City scheduled for November 6, 2007 is hereby canceled due to the Municipal Election.

s/Alderman \_\_\_\_\_

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Resolved That the Committee on Municipal Lands meet with the Woburn Cemetery Commission to discuss future needs of the cemetery commission with respect to land and that His Honor the Mayor be invited to attend the meeting.

s/Alderman Denaro

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Resolved That the Superintendent of Public Works repave Buttaro Road from side to side for its entire length.

s/Alderman Dwyer

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Resolved That the Traffic Commission establish a no parking restriction on the westerly side of Caulfield Road from the intersection with Church Avenue to a point thirty (30) feet beyond 5 Caulfield Road.

s/Alderman Gately

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Resolved That the Superintendent of Public Works repave Ferguson Place from side to side for its entire length.

s/Alderman Gately

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RESOLVED That the Traffic Commission establish rules of procedure for matters before the Traffic Commission by its next meeting.

s/Alderman Mercer-Bruen

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RESOLVED That Superintendent of Public Works construct concrete sidewalk with granite curbs the entire length of Parker Street from the intersection with



Lexington Street to the driveway entrance to the intersection with Cambridge Road.

s/Alderman Drapeau and  
Alderman Doherty

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RESOLVED That Superintendent of Public Works construct concrete sidewalks with granite curbs on Cambridge Road from the Four Corners intersection to the Horn Pond Plaza on the easterly side and to the Crescent Condominium development on the westerly side, where the sidewalks do not currently exist, and where the sidewalk is made of asphalt that these be replaced with concrete sidewalk; and further that if the area is under the jurisdiction of MassHighway that the Superintendent of Public Works secure permission to perform the work if MassHighway fails or refuses to perform the work.

s/Alderman Drapeau and  
Alderman Doherty

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RESOLVED That Superintendent of Public Works construct concrete sidewalk with granite curbs on Crawford Drive and Pond Terrace.

s/Alderman Doherty

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RESOLVED That Traffic Commission install traffic control signals on Crawford Drive at the intersection with Cambridge Road which can be activated by motion sensors on Crawford Drive to allow access to the residents onto Cambridge Road.

s/Alderman Doherty

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RESOLVED That the Superintendent of Public Works construct concrete sidewalks with granite curb along Water Street from the intersection with Pleasant Street to the intersection with Sturgis Street and that the area of the old band stand that was disturbed by prior work in the area be cleaned and graded between Water Street and Woburn Parkway.

s/Alderman Doherty

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RESOLVED That the Superintendent of Public Works construct concrete sidewalks with granite curb along Burlington Street and Locust Street and that the City Engineer prepare the plans necessary to perform the work.

s/Alderman Doherty

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Motion made and 2<sup>nd</sup> to ADJOURN